

### **Remarks**

Claims 1-32 are pending in the application. Claims 1-29 were allowed. Claims 30-32 were rejected. Independent claims 30 and 32 have been amended; and new claim 33 has been added. As amended, reconsideration is respectfully requested.

### ***Claim Rejections – 35 USC § 103***

The Examiner has rejected claims 30-32 under 35 U.S.C. 103(a) as unpatentable over de Medinaceli (US4306561) in view of Borgens et al. (US4919140). Applicant has amended claims 30 and 32; and has added independent claim 33. As amended, these rejections are respectfully traversed and reconsideration of them is requested.

Independent claims 30-32 are directed to methods of augmenting recovery from muscle denervation by applying a non-pulsatile electrical field for a sufficient time after nerve repair by means of a fully implanted device. Examiner rejected claims 30-32 as obvious in light of de Medinaceli and Borgens et al. Claims 30 and 32 have been amended to include the limitation that the electrical stimulation devices used in the methods are inductively-powered. Paragraph 37 of Applicant's specification describes how the Applicant's electrical stimulator "receives power and command signals generated outside the body by controller 20 through inductive coupling of a radio-frequency electrical field generated in coil 22."

Neither de Medinaceli nor Borgens et al. discloses a method of recovering from muscle denervation by applying a non-pulsatile electrical field by means of a fully implanted, inductively-powered device. To the contrary, lines 51-67 of column 4 of Borgens et al. disclose how various batteries are located within their implanted devices. Moreover, there is nothing in de Medinaceli or Borgens et al. to suggest inductively-powered electrical stimulation. A rejection for obviousness cannot stand when, as here, a limitation in the claim is not taught by the prior art upon which the Examiner relies. See, e.g., M.P.E.P. 2143. Claims 30 and 32 are therefore seen as allowable and reconsideration of them is requested. Claim 31 is dependent upon claim 30 and thus is also not obvious for the same reason.

New claim 33 has been added. Claim 33 is directed to a method of augmenting recovery from muscle denervation by applying a non-pulsatile electrical field for a sufficient time after nerve repair by means of a fully implanted device, wherein a capacitor prevents net direct current flow through electrodes and the surrounding conductive tissues of the body. The capacitor is intermittently discharged for resetting purposes. Paragraph 35 of Applicant's specification describes how a blocking capacitor is used to prevent "net direct current flow," which is known to be potentially damaging to both electrodes and living tissues. Moreover, paragraph 35 of Applicant's specification states that the capacitor is discharged intermittently for resetting purposes. Neither de Medinaceli nor Borgens et al. disclose or suggest the use of a capacitor to prevent net direct current flow. Moreover, neither de Medinaceli nor Borgens et al. disclose or suggest intermittently discharging a capacitor for resetting purposes.

### Conclusion

For the foregoing reasons, it is respectfully submitted that this case is now in condition for allowance and early notice of the same is earnestly requested.

Please charge any additional fees that may be due or credit any overpayment to our deposit Account No. 501946, referencing attorney docket number 64693-019.

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Respectfully submitted,

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